

REMARKS/DISCUSSION OF ISSUES

Claims 1-8, 10-16, 18-21, and 24-27 are pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

STATEMENT OF SUBSTANCE OF INTERVIEW

On 27 July 2009 the undersigned attorney placed a telephone call to Examiner Jacobs to discuss the Finality of the Office Action dated 26 May 2009. During that conversation, the undersigned attorney noted that the scope of claim 1 did not change at all in the Amendment filed on 3 February 2009. In particular, the undersigned attorney noted that claim 1 was rewritten in dependent form from new claim 24, but that the amended dependent claim 1 has the exact same scope as the previously-pending claim 1. The undersigned attorney also noted that he had pointed this out in bold and underlined text in the second paragraph of the "Remarks" section of the Amendment filed on 3 February 2009.

Therefore, the undersigned attorney noted, the new rejection of claim 1 based on McDonnell et al. U.S. Patent Application Publication 2001/0028313 could not have been necessitated by any amendment by Applicant.

The Examiner reviewed the amendment and agreed that she had overlooked the fact that the scope of claim 1 had not been changed. She agreed that she would withdraw the Finality in view of this oversight.

The undersigned attorney noted that he would include a statement of the substance of that interview in this Response to the Final Office Action.

REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION

In view of the remarks above, Applicants respectfully request that the Finality of the Office Action dated 26 May 2009 be withdrawn.

35 U.S.C. § 102

The Office Action rejects claims 1-8, 10-16 and 18-22 under 35 U.S.C. § 102

over McDonnell et al. U.S. Patent Application Publication 2001/0028313
("McDonnell").

Applicants respectfully traverse those rejections for at least the following reasons.

Claim 24

Among other things, the measurement/control system of claim 24 includes a set of distributed devices each having means for obtaining configuration data from the configuration data source and means for diffusing the configuration data among the distributed devices.

Applicants respectfully submit that McDonnell does not disclose a system with a set of distributed devices each having means for obtaining the configuration data from the configuration data source and means for diffusing the configuration data among the distributed devices.

The Office Action cites paragraphs [0057]-[0058] and [0062] as supposedly disclosing such distributed devices.

Applicants respectfully disagree. Applicants respectfully submit that none of the cited paragraphs [0057]-[0058] and [0062] discloses means for obtaining configuration data from the configuration data source or means for diffusing the configuration data among the distributed devices.

Meanwhile, paragraphs [0070]-[0072] appear to disclose distributed devices that obtaining configuration from a configuration data source.

However, Applicants respectfully submit that nothing in McDonnell discloses that any of the distributed devices include any means for diffusing the configuration data among the distributed devices. McDonnell discloses that the distributed devices are mobile entities 20. Applicants respectfully submit that McDonnell does not disclose that a mobile entity 20 diffuses configuration data to any other mobile entity 20.

Therefore, Applicants respectfully submit that claim 24 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 24 over McDonnell be withdrawn, and claim 24 be allowed.

Claims 1-8

Claims 1-8 depend from claim 24 and are deemed patentable for at least the reasons as set forth above with respect to claim 24, and for the following additional reasons. Accordingly, Applicants respectfully request that the rejections of claims 1-8 over McDonnell be withdrawn, and claims 1-8 be allowed.

Claim 1

Among other things, in the system of claim 1, each distributed device includes means for determining a relative staleness of a set of configuration data stored in the distributed device.

Applicants respectfully submit that McDonnell does not disclose a system with distributed devices that each include means for determining a relative staleness of a set of configuration data stored in the distributed device.

The Office Action cites paragraphs [0079] and [0081] as supposedly disclosing such distributed devices.

Applicants respectfully disagree. Applicants respectfully submit that neither paragraph [0079] nor paragraph [0081] discloses distributed devices that each include means for determining a relative staleness of a set of configuration data stored in the distributed device. Instead, paragraph [0079] discloses that measurement data received at Validation Unit 49 (not configuration data stored in distributed device 20) has a timestamp that can be used by Validation Unit 49 to determine if the measurement data is valid. Meanwhile, paragraph [0081] merely provides examples of different types of measurement data that may be collected and applications that may use that data. It does not disclose any means for determining a relative staleness of a set of configuration data stored in a distributed device.

Therefore, for at least this additional reason, Applicants respectfully submit that claim 1 is patentable over McDonnell.

Claim 6

Among other things, in the system of claim 6, in each distributed device the means for diffusing includes means for forming a communication channel with another of the distributed devices.

Applicants respectfully submit that McDonnell does not disclose these features.

The Office Action cites cols. 3, 4 and 5. This is unclear because McDonnell does not demarcate text by column numbers, but instead uses pages and paragraph numbers.

In any event, Applicants respectfully submit that McDonnell does not disclose a system where, in each distributed device, the means for diffusing includes means for forming a communication channel with another of the distributed devices.

Therefore, for at least this additional reason, Applicants respectfully submit that claim 6 is patentable over McDonnell.

Claim 8

Among other things, in the system of claim 1, in each distributed device the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in a kiosk and a set of configuration data stored in the distributed devices.

For similar reasons to those set forth above, Applicants respectfully traverse the statement that McDonnell discloses these features in paragraphs [0079] and [0081].

Therefore, for at least this additional reason, Applicants respectfully submit that claim 8 is patentable over McDonnell.

Claim 10

Among other things, the method of claim 10 includes providing to one or more distributed devices a set of configuration data that configures the one or more distributed devices for performing a measurement/control function; and diffusing the provided configuration data among the distributed devices.

For similar reasons to those set forth above with respect to claim 24, Applicants respectfully submit that McDonnell does not disclose any method including this combination of features.

Therefore, Applicants respectfully submit that claim 10 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 10

over McDonnell be withdrawn, and claim 10 be allowed.

Claims 11-16 and 25

Claims 11-16 and 25 depend from claim 10 and are deemed patentable for at least the reason set forth above with respect to claim 10. Claims 13-14 are also deemed patentable for similar reasons to those set forth above with respect to claim 6, and claim 25 for similar reasons to those set forth above with respect to claim 8. Accordingly, Applicants respectfully request that the rejections of claims 11-16 and 25 over McDonnell be withdrawn, and claims 11-16 and 25 be allowed.

Claim 18

Among other things, the device of claim 18 includes means for obtaining from a remotely-located configuration data source a set of configuration data that configures a second device, spaced apart from the first device, for performing a measurement/control function; and means for diffusing the configuration data from the first device to the second device.

For similar reasons to those set forth above with respect to claim 24, Applicants respectfully submit that McDonnell does not disclose any method including this combination of features.

Therefore, Applicants respectfully submit that claim 18 is patentable over McDonnell. Accordingly, Applicants respectfully request that the rejection of claim 18 over McDonnell be withdrawn, and claim 18 be allowed.

Claims 19-21 and 26-27

Claims 19-21 and 26-27 depend from claim 18 and are deemed patentable for at least the reason set forth above with respect to claim 18. Claims 19-20 are also deemed patentable for similar reasons to those set forth above with respect to claim 6, and claim 26 for similar reasons to those set forth above with respect to claim 1. Accordingly, Applicants respectfully request that the rejections of claims 19-21 and 26-27 over McDonnell be withdrawn, and claims 19-21 and 26-27 be allowed.

CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the

Examiner reconsider and reexamine the present application, allow claims 1-8, 10-16, 18-21, and 24-27 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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Date: 27 July 2009

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